

United States Department of the Interior Bureau of Land Management

Decision Record Environmental Assessment DOI-BLM-UT-W010-2014-0001-EA (Salt Lake Field Office) DOI-BLM-UT-W020-2014-0012-EA (Fillmore Field Office)

October 2014

August 2014 Oil and Gas Lease Sale

Location: West Desert District
Salt Lake Field Office
Fillmore Field Office

Applicant/Address: U.S. Department of the Interior
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DECISION RECORD
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It is my decision to select Alternatives B - the Proposed Action , Leasing with Additional Protective Measures, from the from the environmental assessments (collectively “the EAs”) prepared by the Bureau of Land Management (“BLM”) Salt Lake and Fillmore Field Offices (“FOs”), DOI-BLM-UT-W010-2014-0001-EA (Salt Lake FO) and DOI-BLM-UT-W020-2014-0012-EA (Fillmore FO), for the August 19, 2014, competitive oil and gas lease sale (“August 2014 Lese Sale”). More specifically, it is my decision to issue leases, with the protective measures (lease stipulations and notices) identified in the EAs and the Notice of Competitive Oil and Gas Lease Sale (“NCLS”) posted on May 15, 2014¹, for the following twenty-two parcels (approximately 39,288 acres), which were offered for lease at the competitive auction held on August 19, 2014:

Salt Lake FO parcels (DOI-BLM-UT-W010-2014-0001-EA):

UTU90536 (UT0814 – 037), UTU90537 (UT0814 – 038), UTU90538 (UT0814 – 039), UTU90539 (UT0814 – 040), UTU90540 (UT0814 – 041), UTU90541 (UT0814 – 042), UTU90542 (UT0814 – 043), UTU90543 (UT0814 – 044), UTU90544 (UT0814 – 052), UTU90545 (UT0814 – 053), UTU90546 (UT0814 – 054), UTU90547 (UT0814 – 055), UTU90548 (UT0814 – 056), UTU90549 (UT0814 – 057), UTU90550 (UT0814 – 058), UTU90551 (UT0814 – 059), UTU90552 (UT0814 – 060), UTU90553 (UT0814 – 067), UTU90554 (UT0814 – 068), and UTU90555 (UT0814 – 069)

Fillmore FO parcels (DOI-BLM-UT-W020-2014-0012-EA):

UTU90556 (UT0814 – 129), and UTU90557 (UT0814 – 141).

This decision incorporates the documented results presented in the Finding of No Significant Impacts (“FONSI”) that was issued for the August 2014 Lease Sale based upon the above referenced EAs. Based upon a review of the EAs and considering the criteria for significance described by section 1508.27 of Title 40 of the Code of Federal Regulations (“CFR”), the FONSI determined that leasing of the aforementioned twenty-two parcels, as provided for in the NCLS and the Proposed Actions (Alternatives B) described in the EAs, does not constitute a major federal action and it will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general project area, beyond those described in the Final Environmental Impact Statements (“FEISs”) prepared for the following Records of Decision and Approved Resource Management Plans (“ROD/RMPs”): the Pony Express ROD/RMP (1990, as maintained) (Salt Lake FO) and the House Range Resource Area ROD/RMP (1987, as maintained) (Fillmore FO).

Oil and gas leasing is a principal use of the public lands, as identified in sections 102(a) (12) and 103(1) of the Federal Land Policy and Management Act (“FLPMA”), and it is conducted to meet requirements of the Mineral Leasing Act (“MLA”), the Mining and

¹ The NCLS is available online at the BLM Utah’s oil and gas lease sale website, which is located at: http://www.blm.gov/ut/st/en/prog/energy/oil_and_gas/oil_and_gas_lease.html

Minerals Policy Act, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The authority to make this decision is implemented in 43 CFR Part 3100.

ALTERNATIVES CONSIDERED AND RATIONALE FOR DECISION

Both of the EAs prepared for the August 2014 Lease Sale considered three alternatives: Alternative A – Leasing Under the Existing Land Use Plans, Alternative B – the Proposed Action, Leasing with Additional Protective Measures, and Alternative C – No Action. Other action alternatives were not considered because the issues identified during scoping (internal and/or external) did not indicate a need for additional alternatives or protective measures beyond those considered in the EAs. Other alternatives were not suggested by the public during public comments period held for drafts of the EAs. The No Action alternatives were considered and analyzed to provide a baseline for comparison.

In reviewing the nominations of land, which are also known as expressions of interest (“EOIs”), filed with this office for the August 2014 Lease Sale, BLM considered oil and gas leasing on approximately 319,137 acres of land within the jurisdiction of the Salt Lake and Fillmore FOs.

Based upon a lease parcel review process that was conducted in accordance with the National Environmental Policy Act (“NEPA”) and BLM Washington Office (“WO”) Instruction Memorandum (“IM”) No. 2010-117, *Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews*, approximately 279,850 acres of the nominated lands were either removed or deferred from consideration for offering at the August 2014 Lease Sale.

Lands were removed from leasing consideration if they were determined to be unavailable for lease. The nominated lands that were determined to be unavailable for lease included lands already under an existing oil and gas lease and lands where the United States (“US”) Government does not own the mineral rights.

The reasons for deferring leasing consideration for certain nominated lands included the presence of areas identified as habitat for greater sage-grouse; areas contaminated with unexploded ordinances (“UXO”); areas within the potential trail management corridor for the California National Historic Trail (“NHT”); and areas within the Knolls Special Recreation Management Area (“SRMA”). With respect to the previously listed reasons for deferral, BLM has determined that it is appropriate to defer new oil and gas leasing on the subject lands until after the management of the aforementioned items have been addressed in a subsequent land use planning action or, with respect to the lands deferred on account of UXO contamination, until after the Environmental Protection Agency (“EPA”) and Department of Defense (“DOD”) have provided BLM with certain safety procedures related to the management of UXO and the Military Munitions Response Program (“MMRP”).

Additional information regarding the nominated lands deferred or removed from the August 2014 Lease Sale lands is documented in the EA prepared by the Salt Lake FO at

Appendix C and in the Deferred Lands List maintained on the BLM Utah oil and gas lease sale website.²

On May 15, 2014, a Notice of Competitive Oil and Gas Lease Sale (“NCLS”) was posted which identified twenty-two parcels, encompassing approximately 39,288 acres of land, proposed for offering at the August 2014 Lease Sale.³ The parcels proposed for lease in the NCLS corresponded with the parcels analyzed and recommended for lease in the EAs and in a memorandum from the BLM West Desert District Office to the BLM Utah State Office.

The twenty-two parcels proposed for leasing in the NCLS were offered for sale at a competitive oral auction held on August 19, 2014. Of the twenty-two parcels offered at the August 19, 2014, auction, two parcels within the Fillmore FO, UTU90556 (UT0814 – 129) and UTU90557 (UT0814 – 141), received bids. The twenty parcels that were not bid upon became available for noncompetitive leasing in accordance with 43 CFR Subpart 3110 for a two-year period that commenced on August 20, 2014.

The Proposed Actions were selected because they best met the BLM’s purpose and need for action, as described in the EAs at Chapter 1. Offering parcels for competitive oil and gas leasing provides for the orderly development of fluid mineral resources under BLM’s jurisdiction in a manner consistent with multiple use management and environmental consideration for the resources that may be present.

Selling oil and gas leases will assist in meeting the energy needs of the United States and offering parcels for competitive oil and gas leasing, as has occurred with the August 2014 Lease Sale, will allow for the orderly development of fluid mineral resources under the jurisdiction of BLM in a manner that is consistent with multiple use management and the need to consider potential impacts to the environment and other resources that may be present.

The lease parcel reviews completed by BLM for the August 2014 Lease Sale, which included the preparation of the EAs, ensured that adequate provisions were included in the standard lease terms and lease notices and stipulations in order to protect public health and safety and assure full compliance with the objectives of the National Historic Preservation Act (“NHPA”), the Endangered Species Act (“ESA”), NEPA, FLPMA and other federal laws and regulations designed to protect the environment and the multiple use management of public lands.

The EAs were used to document the conformance and consistency of the Proposed Actions with the applicable land use plans and the necessary administrative actions, stipulations, lease notices, special conditions, or restrictions that would be made a part of an actual lease at the time of issuance. Under the Proposed Actions, continued interdisciplinary support and consideration would be required to ensure on-the-ground implementation of planning objectives, including the proper implementation of stipulations, lease notices and best management practices through the Application for Permit to Drill (“APD”) process.

² Access online at: http://www.blm.gov/ut/st/en/prog/energy/oil_and_gas/oil_and_gas_lease.html

³ The NCLS is available online at the BLM Utah’s oil and gas lease sale website, which is located at: http://www.blm.gov/ut/st/en/prog/energy/oil_and_gas/oil_and_gas_lease.html

Notice, involvement, coordination and consultation with the public and interested stakeholders, which included private surface owners of “split estate” lands (private surface/federal minerals), the US Fish and Wildlife Service (“USFWS”), the US Forest Service, the National Park Service, Native American Tribes, and the State of Utah’s State Historic Preservation Office (“SHPO”), Division of Wildlife Resources (“UDWR”), Public Lands Policy Coordination Office (“PLPCO”) and School and Institutional Trust Lands Administration (“SITLA”), has occurred for the August 2014 Lease Sale in full compliance with the requirements imposed by NHPA, ESA, MLA, 43 CFR Subpart 3120, BLM WO IM No. 2010-117 and other applicable laws, regulations and policies.

Detailed information regarding public and stakeholder involvement with the August 2014 Lease Sale has been documented in the EAs and the administrative record compiled and maintained by the BLM Utah State Office for the August 2014 Lease Sale.

As stated above, the Proposed Actions were reviewed and found to be in conformance with the decisions contained in the applicable land use plans, the Pony Express ROD/RMP (1990, as maintained) (Salt Lake FO) and the House Range Resource Area ROD/RMP (1987, as maintained) (Fillmore FO), because they are specifically provided for in the management decisions contained within those RMPs. Additional information regarding the conformance and consistency of the Proposed Actions with the applicable land use plans is documents in both EAs at section 1.4.

Also as noted above, this decision is in compliance with the requirements imposed by NHPA. In order to identify and assess potential impacts to cultural resources, including those that are eligible for protection under NHPA, BLM cultural resources specialists reviewed and analyzed existing records for cultural resources within the area of potential effects (“APE”) for the August 2014 Lease Sale. The aforementioned cultural records reviews and analyses indicated cultural site densities that when combined with the protective measures applicable to each of the subject lease parcels (i.e. standard lease terms and lease notices and stipulations) lead BLM to determine that the issuance and subsequent development of the subject lease parcels could occur without adversely effecting cultural resources. With respect to those cultural resources eligible for protection under NHPA specifically, in accordance with NHPA and its implementing regulations at 36 CFR Part 800, the BLM Salt Lake and Fillmore FOs made determinations of “No Historic Properties Effectuated” and “No Adverse Effect” to historic properties, respectively, for the August 2014 Lease Sale.

In order to provide notice of and solicit additional information and consult regarding its reviews and determinations as to the potential impacts to cultural resources that could result from the August 2014 Lease Sale, BLM sent letters to SHPO and potentially interested Native American Tribes.

On May 23, 2014, SHPO provided its written concurrence for the Fillmore FO’s determination of No Adverse Effect to historic properties for the August 2014 Lease Sale. Likewise, on June 25, 2014, SHPO provided its written concurrence for the determination by the Salt Lake FO of No Historic Properties Effectuated by the August 2014 Lease Sale.

Also as noted above, this decision is in compliance with all requirements imposed by ESA. The BLM coordinated with USFWS and UDWR to identify and evaluate the potential impacts to plant and animal species, including BLM sensitive species and

species that are listed, candidates or proposed for listing as threatened or endangered under ESA, that may result from leasing the August 2014 Lease Sale parcels. The USFWS and UDWR, which have jurisdiction by law and expertise over the fauna and flora in Utah, were both involved with BLM's application of lease notices and stipulations to the August 2014 Lease Sale parcels. Since appropriate lease notices and stipulations for the protection of plant and animal species have been identified and applied through interdisciplinary and interagency efforts, BLM concluded that plant and animal species were not likely to be adversely affected by the August 2014 Lease Sale.

On July 22, 2014, BLM received concurrence from USFWS regarding BLM's determination that leasing of the August 2014 Lease Sale parcels will have "no effect" on ESA listed species.

Additional information regarding the BLM's coordination with USFWS and UDWR, and its analysis and determinations as to the potential impacts of the August 2014 Lease Sale upon plant and animal species, is documented in the EAs and in the administrative record maintained by the BLM Utah State Office for the August 2014 Lease Sale.

The EAs were also prepared in full compliance with the requirements outlined in BLM WO IM No. 2010-117, which included the posting of drafts of the EAs and unsigned FONSIIs for public review and comment from March 20 to April 20, 2014.

Issuance of the NCLS on May 15, 2014, initiated a public protest period that ended on June 15, 2014. No protests of the August 2014 Lease Sale were filed with this office.

Roger Bankert
Authorized Officer

_10/24/2014_____
Date